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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,807	11/16/2001	Gil Gavriel Dudkiewicz	051448.0201	1953

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EXAMINER	
SALCE, JASON P	

ART UNIT	PAPER NUMBER
2611	10

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/991,807	DUDKIEWICZ ET AL.	
	Examiner	Art Unit	
	Jason P Salce	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-34 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-34 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/4/03 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hullinger et al. (U.S. Patent No. 6,295,092).

Referring to claim 1, Hullinger discloses obtaining production data corresponding to the programming event from a production system used in the production of the

programming event (see Column 3, Lines 47-50 for receiving data from a ratings server as well as broadcast data from the capture devices in Figure 1), the production data including descriptive information and timing information for the programming event (see Column 5, Lines 2-5 for capturing descriptive (channel information) and time (capture time) information). Also note that according to Figure 15 for the ratings data transmitted from element 22 in Figure 1 to contain time and descriptive information and that Nielsen data inherently contains time and descriptive information (see http://www.nielsenmedia.com/ratings101.htm).

Hullinger also discloses assigning respective numerical goodness of fit scores to respective predefined categories based on analysis of the production data to describe the subject matter of the programming event, wherein the numerical goodness of fit scores assigned to a category represents a degree to which the category is descriptive of the subject matter of the programming event (see Table I and Column 6, Lines 23-67 for assigning scores to predefined categories (Topic 1 through Topic N)).

Hullinger also discloses assigning keywords to the programming event based on analysis of the production data (see Column 5, Lines 63-67 and Column 6, Lines 1-11 providing a vocabulary table that contains keywords that are assigned (from the process described at Column 9, Lines 49-57 for creating the vocabulary table based on the analysis of the production data).

Hullinger also discloses storing numerical goodness of fit scores and keywords for the programming event in a computer readable medium in association with time data and descriptive data for the programming event (see Column 3, Lines 58-59 for storing

all production information received to server 20 in Figure 1) as the metadata for transmission to a programming event receiver describing the programming event (see Column 3, Lines 60-61 for transmitting this information to a user interface for display to a user to describe the programming events).

Referring to claim 2, Hullinger discloses determining respective numerical goodness of fit scores corresponding to said categories for each of candidate keywords (note that keywords are also candidate keywords, the term "candidate" is broad and Hullinger discloses classifying these keywords according to their score, therefore all keywords before they are scored and processed according to there score (see Column 8, Lines 50-67 for re-scoring and classifying keywords for selection).

Referring to claim 3, Hullinger discloses that pre-defined categories are arranged in a hierarchy (see Figure 6) comprising at least a set of top-level categories ("General" level in Figure 6), respective sets of first level sub-categories each corresponding to and encompassed by a top level category (see "KDKA", "WTAE" and "WPXI" levels under the "General" level in Figure 6), and respective sets of second level sub-categories each corresponding to and encompassed by a first level sub-category (see time slot level under the station level and "General" level in Figure 6).

Referring to claim 4, Hullinger discloses determining a subset of fit scores and storing the fit scores comprises storing the subset of fit scores (see rejection of claim 3 for storing time subsets of scores on the third level of the hierarchy disclosed in Figure 6).

Referring to claim 5, Hullinger discloses that production data comprises rundown

(data describing what is going to be aired at a specified time) data produced by the production system (see Column 6 again for the third level storing data (scores) on a specific time a station is airing a broadcast).

Referring to claim 6, Hullinger discloses that production data comprises script data (see Column 4, Lines 49-52 for storing closed caption (script) data).

Referring to claim 7, Hullinger discloses determining a time and duration of individual segments of a program described by the production data, which precedes assigning scores and keywords (see Column 7, Lines 46-51 for an example of determing time and duration of individual segments based on the score table tree hierarchy (the example provides a method for adding nodes to a tree for analyzing the first and last 15 minutes of a broadcast).

Hullinger also discloses that metadata is generated using production data that is specific to an individual segment of said program such that the metadata is descriptive of that individual segment (see Column 7, Lines 52-62 for creating metadata from the production data (CC text file created) according to segments of a broadcast).

Referring to claim 8, Hullinger discloses a preparser process 54 for processing the production data into a standard delimited format (see Column 5, Lines 8-12).

Referring to claim 9, see rejection of claims 5-6.

Referring to claim 10, Hullinger discloses selecting a predetermined number of assigned keywords for storage (see Column 7, Lines 29-32 for storing a subset of all text captured by the system).

Referring to claims 11-20, see rejection of claim 1-10, respectively.

Referring to claim 21, Hullinger discloses obtaining production data corresponding to the programming event from a production system used in the production of the programming event, the production data including descriptive information for the programming even (see rejection of claim 1).

Hullinger also discloses determining candidate keywords from the production data (see Column 4, Lines 44-49 for the parser process determining the keywords that will be scored (also note Column 5, Lines 63-67 and Column 6, Lines 1-12 and the example of a one-word vocabulary table created by the parser process)).

Hullinger also discloses providing the candidate keywords as respective inputs to a classification tool and generating for each of said candidate keywords a set of numerical goodness of fit scores each corresponding to a predefined category (see Table I and Column 6, Lines 25-67 for creating a score table), wherein the numerical goodness of fit score corresponding to a category represents a degree to which the category is descriptive of the candidate keyword (see Column 6, Lines 35-43 for counting the number of occurrences of the candidate keyword in the program being parsed by the parser process 58).

Hullinger also discloses selecting keywords to represent the programming event from among said candidate keywords based on the set of numerical goodness of fit scores corresponding to the categories of the classification hierarchy for each of said candidate keywords (see Column 8, Lines 50-67 and Column 6, Lines 1-35 for selecting keywords from the candidate keywords (in the table at Column 9, Lines 1-13) using goodness of fit scores corresponding to categories (Local, National or International) of

the classification hierarchy (which is based on the score) for the candidate keywords).

Hullinger also discloses storing said keywords in a computer readable medium as a component of said metadata describing the programming event (see Column 9, Lines 36-41 for storing the data after the processing described above).

Referring to claim 22, Hullinger discloses determining verbs and nouns from the production data, and using these words as candidate keywords (see Column 9, Lines 1-13 for a table that contains captured phases, that contain both a noun ("Statue") and a verb ("visit"), which are used for re-scoring a newly combined segment).

Referring to claims 23, Hullinger discloses determining correlations between sets of numerical goodness of fit scores generated by providing said descriptive information for the programming event as input to said classification tool (see again Column 9, Lines 31-48 for re-scoring (correlating) information about segments, captured by the system and providing this data to a user interface (classification tool) for further viewing and editing). Hullinger also discloses discarding candidate keywords having low correlation (see Column 19, Lines 8-14 for discarding words that have only been encountered in the correlation once or twice).

Referring to claim 24, see again Column 19, Lines 8-14 for discarding words that have a low probability (low fit score) of being encountered, therefore, words that have a high probability (high fit score) of being encountered in the parsing process will be selected for further processing.

Referring to claim 25, see rejection of claim 9.

Referring to claim 26, see rejection of claim 7.

Referring to claims 27-32, see rejection of claims 21-26, respectively.

Referring to claims 33-34, see rejection of claim 3.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 9, 2004

HAI TRAN
PATENT EXAMINER